

THE CORPORATION OF THE TOWN OF CALEDON
BY-LAW NO. _____

Being a by-law to amend Comprehensive Zoning By-law 2006-50, as amended, to allow for Additional Residential Units and associated standards within prescribed locations in the municipality.

WHEREAS Section 34 of the Planning Act, as amended, permits the councils of local municipalities to pass zoning by-laws for prohibiting the use of land or the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law;

AND WHEREAS the Council of The Corporation of the Town of Caledon considers it desirable to pass a zoning by-law to establish provisions to permit Additional Residential Units within urban residential land in the Town of Caledon, Regional Municipality of Peel.

NOW THEREFORE the Council of The Corporation of the Town of Caledon enacts that By-law 2006-50 as amended, being the Comprehensive Zoning By-law for the Town of Caledon, shall be and is hereby amended as follows:

1. Schedule "A" to this Zoning By-law being a map to delineate the boundaries where additional residential units are permitted as attached hereto, is hereby added as "Schedule H" to Comprehensive Zoning By-law 2006-50, as amended;
2. That Section 2.5 'Overlay Zones' of Comprehensive Zoning By-law 2006-50 is hereby amended by adding a new Subsection f) as follows:

"Where a *parcel of urban residential land* is located within an area delineated on Schedule 'H' to this By-law, the applicable provisions and regulations of the underlying zone shall continue to apply, subject to the applicable provisions of Subsection 4.42 of this By-law."

3. That Section 4 'General Provisions' of Comprehensive Zoning By-law 2006-50 is hereby amended by adding a new Subsection 4.42 'Additional Residential Units Overlay Zone' as follows:

4.42 ADDITIONAL RESIDENTIAL UNITS OVERLAY ZONE

4.42.1 Additional Uses Permitted

For lands zoned Rural Residential (RR), Residential One (R1), Residential Two (R2), Residential Townhouse (RT) and Mixed Density Residential (RMD), in addition to Rural Residential (RR), Residential One (R1), Residential Two (R2), Residential Townhouse (RT) and Mixed Density Residential (RMD) zoning exceptions as identified in Section 13, within the Additional Residential Units Overlay Zone that meet the definition of *parcel of urban residential land*, the following additional uses shall be permitted:

a) *Additional Residential Unit*

Footnotes

1. Permitted only on lands identified on Schedule H of Comprehensive Zoning By-law 2006-50.

4.42.2 Prohibited Uses

In the Rural Residential (RR), Residential One (R1), Residential Two (R2), Residential Townhouse (RT) and Mixed Density Residential (RMD) zones, as well as on lands subject to all Residential One (R1), Residential Two (R2), Residential Townhouse (RT) and Mixed Density Residential (RMD) zoning exceptions as identified in Section 13, the following uses shall be prohibited:

a) *Apartment, Accessory*

Footnotes

1. Prohibited only on lands identified on Schedule H of Comprehensive Zoning By-law 2006-50.

4.42.3 Definitions

Within the Additional Residential Units Overlay Zone, the following definitions shall apply:

“*Additional Residential Unit*” means a self-contained residential *dwelling unit* with its own kitchen, sleeping quarters and sanitary facilities, that either forms part of the same *building* as a *detached dwelling*, *semi-detached dwelling*, or a *townhouse dwelling*, or is located within an *accessory building* as a *garden suite dwelling* on the same *lot* as a *detached dwelling*, *semi-detached dwelling*, or a *townhouse dwelling*.

“*Dwelling, Detached*” means a *building* containing one principal *dwelling unit* and associated *additional residential units*.

“*Dwelling, Garden Suite*” means a *dwelling unit* that is located in an *accessory building*, either partially or wholly, on the same *lot* as a *detached dwelling*, *semi-detached dwelling*, or a *townhouse dwelling*.

“*Dwelling, Semi-Detached*” means a *building* divided vertically by a common wall above finished grade into 2 separate *dwelling units* and associated *additional residential units*, each such *dwelling unit* having an independent entrance either directly from outside the *building* or through a common vestibule.

“*Dwelling, Townhouse*” means a *building* divided vertically both above and below grade into 3 or more separate *dwelling units* and associated *additional residential units*, each such *dwelling unit* having 2 independent entrances directly from outside the *building*.

“*Parcel of Urban Residential Land*” means a parcel of *land* that is within an area of settlement on which residential use, other than accessory residential use, is permitted by by-law and that is served by,

- (a) sewage works within the meaning of the *Ontario Water Resources Act* that are owned by,
 - (i) a municipality,
 - (ii) a municipal service board established under the *Municipal Act, 2001*,
 - (iii) a corporation established under sections 9, 10 and 11 of the *Municipal Act, 2001* in accordance with section 203 of that Act,
- (b) a municipal drinking water system within the meaning of the *Safe Drinking Water Act, 2002*.

4.42.4 Use Provisions

Within the Additional Residential Units Overlay Zone, the following requirements and restrictions shall apply:

- a) An *additional residential unit* shall only be permitted on the same *lot* as a *detached dwelling*, *semi-detached dwelling*, or a *townhouse dwelling*;
- b) A maximum of two *additional residential units* are permitted on a residential *lot* which may include either:
 - (i) one *additional residential unit* within a *detached dwelling*, *semi-detached dwelling*, or a *townhouse dwelling*, and one *garden suite dwelling*, or
 - (ii) two *additional residential units* within a *detached dwelling*, *semi-detached dwelling*, or a *townhouse dwelling*;
- c) An *additional residential unit* shall not be permitted on properties located within an Environmental Policy Area 1 Zone (EPA1), Environmental Policy Area 2 Zone (EPA2) or an Open Space (OS) zone, or on lands subject to Environmental Policy Area 1 Zone (EPA1), Environmental Policy Area 2 Zone (EPA2) and Open Space (OS) zone site specific zoning provisions;
- d) Where direct access is provided to an *additional residential unit* from an *interior side yard*, the entrance including stairs to the *additional residential unit* shall be setback from the *interior side lot line* a minimum of 1.2 m;
- e) An *additional residential unit* shall contain a maximum of two bedrooms;
- f) A *home occupation* shall not be permitted on a *lot* that contains an *additional residential unit*;

- g) A *bed and breakfast establishment* shall not be permitted on a lot that contains an *additional residential unit*;
- h) The provision of Section 4.10 is amended to permit one *dwelling* and *additional residential units* in accordance with this section.
- i) The provisions of Sections 4.2.4 and 4.14 shall not apply.

4.42.5 Garden Suite Dwellings

In addition to all other provisions of Section 4.42, within the Additional Residential Units Overlay Zone, the following requirements and restrictions shall apply to all *garden suite dwellings*:

- a) A *garden suite dwelling* shall only be permitted in the *exterior side yard*, *rear yard* or *interior side yard* of a *lot* containing a *detached dwelling*, *semi-detached dwelling*, or a *townhouse dwelling*;
- b) No part of a *garden suite dwelling* shall be located in a *front yard*;
- c) The maximum *building area* shall be in keeping with the requirements of Section 4.2.2 and the applicable *zone* or *site-specific zone*;
- d) The maximum *gross floor area* of a *garden suite dwelling* shall not exceed 75 m² on a *lot*;
- e) The maximum *building height* shall not exceed 4.5 m;
- f) A *garden suite dwelling* shall be permitted above a *detached garage*, provided the overall height of the *building* does not exceed 7.5 m or the height of the principal dwelling, whichever is less;
- g) Setbacks shall be in accordance with Section 4.2.2, with the exception of the following:
 - (i) a *minimum interior side yard* setback of 1.5 m from the *interior side lot line*;
 - (ii) a *minimum rear yard* setback of 2.5 m from the *rear lot line*;
 - (iii) a *minimum building separation* of 3.0 m;
- h) The provisions of Section 4.27, Permitted Encroachments, shall not apply;
- i) Balconies and roof top patios or decks shall not be permitted;
- j) An unobstructed pedestrian path with a minimum width of 1.2 m shall be provided from the *streetline* to the entrance of a *garden suite dwelling*.

4.42.6 Parking Provisions

In addition to all other provisions of Section 5, within the Additional Residential Units Overlay Zone, the following parking requirements and restrictions shall apply to *additional residential units*:

- a) In addition to the parking required for a *detached dwelling*, *semi-detached dwelling*, or a *townhouse dwelling* under Section 5.2 of this by-law, one additional *parking space* shall be provided on *lots* containing more than one *additional residential unit*. All required *parking spaces* shall be located entirely within the boundaries of the subject *lot*;
- b) No additional *parking space* is required for a *lot* containing only one *additional residential unit*;
- c) The Residential Parking Requirements in Section 5.2.2 for an *accessory apartment* shall not apply.
- d) All other provisions of Section 5.2 shall apply.

- 4. That Section 4.2.2.e is deleted and replaced as follows:

“Site Plan approval has been granted for an *accessory building* or *structure* which is *accessory* to a non-residential *use* or a residential *use* containing more than 10 *dwelling units* within an EPA1 and EPA2 *zone*, if such *accessory structure* is subject to Site Plan approval.

- 5. That Section 4.2.2.f is deleted and replaced as follows:

In the case of lands within the *Oak Ridges Moraine Conservation Plan Area*, a building permit and/or lot grading approval is required for an *accessory building* or *structure* located within an EPA1-ORM and EPA2-ORM *zone* or within 90 m of such a *zone*.

6. That Section 4 'General Provisions' of Comprehensive Zoning By-law 2006-50 is hereby amended by adding a new Subsection 4.43 'Oak Ridges Moraine Provisions' as follows:

“4.43 OAK RIDGES MORaine PROVISIONS

The provisions of this section shall apply to all lands located within the *Oak Ridges Moraine Conservation Plan*, as amended, and zoned within an EPA1-ORM and EPA2-ORM zone or within 90 m of such a zone.

4.43.1 Oak Ridges Moraine Conservation Plan (2017)

Notwithstanding the provisions of this By-law, no person shall: use land or any part of it; undertake development or site alteration with respect to land; or erect, move, alter or use a building or structure or any part of it, without being in compliance with the policies and provisions of the *Oak Ridges Moraine Conservation Plan (2017)*, as amended.

4.43.2 Definitions

“*Development*” means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act but does not include, (a) activities that create or maintain infrastructure authorized under an environmental assessment process; or (b) works that are subject to the Drainage Act.

“*Major Development*” means development consisting of:

- a) The creation of four or more *lots*;
- b) The construction of a *building* or *buildings* with a ground floor area of 500 square metres or more, or
- c) The establishment of a major recreational use as described in Section 38 of the *Oak Ridges Moraine Conservation Plan*.

“*Site Alteration*” means activities such as grading, excavation and the placement of fill that would change the landform and the natural vegetative characteristics of a *lot*.

4.43.3 Key Natural Heritage Features

All *development* and *site alteration* on a *lot* within a key natural heritage feature or the related minimum vegetation protection zone is prohibited, except the following:

1. Forest, fish, and wildlife management.
2. Conservation and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest after all alternatives have been considered.
3. Development of infrastructure in accordance with the requirements set out in section 41 of the *Oak Ridges Moraine Conservation Plan*.
4. Low-intensity recreational uses as described in section 37 of the *Oak Ridges Moraine Conservation Plan*.
5. Any development and site alteration in Countryside Areas or Settlement Areas that is within the habitat of an endangered or threatened species, but only if,
 - a) it is not prohibited under the Endangered Species Act, 2007 and it complies with any requirements or restrictions under that Act, and
 - b) it is not within any other key natural heritage feature or the related minimum vegetation protection zone.
6. Agricultural uses other than uses associated with on-farm buildings and structures, but only with respect to land in the minimum vegetation protection zone related to a key natural heritage feature and not in the key natural heritage feature itself.

4.43.4 Key Hydrologic Features

All *development* and *site alteration* on a *lot* within a key hydrologic feature or the related minimum vegetation protection zone is prohibited, except the following:

1. Forest, fish, and wildlife management.

2. Conservation and flood or erosion control projects, but only if they are determined to be necessary in the public interest after all alternatives have been considered.
3. Development of infrastructure in accordance with the requirements set out in section 41 of the *Oak Ridges Moraine Conservation Plan*.
4. Low-intensity recreational uses as described in section 37 of the *Oak Ridges Moraine Conservation Plan*.
5. Agricultural uses other than uses associated with on-farm buildings and structures, but only with respect to land in the minimum vegetation protection zone related to a key hydrologic feature and not in the key hydrologic feature itself.

4.43.5 Area of Influence and Vegetation Protection Zones

- 4.43.5.1 *Development* or *site alteration* shall conform to the relevant minimum area of influence and minimum vegetation protection zones, as it relates to key natural heritage features and/or key hydrological features, as prescribed within the *Oak Ridges Moraine Conservation Plan*, as amended.
- 4.43.5.2 Prior to *development* or *site alteration* on a *lot* with respect to land within the minimum area of influence that relates to a key natural heritage feature, but outside the key natural heritage feature itself and the related minimum vegetation protection zone, a natural heritage evaluation shall be received and deemed to be satisfactory to the Town, unless the *development* is for the construction of a new building or structure for agricultural uses, agriculture-related uses or on-farm diversified uses located a minimum of 30 metres from the key natural heritage feature.
- 4.43.5.3 An application for *development* or *site alteration* on a *lot* within the minimum area of influence that relates to a key hydrologic feature, but outside the key hydrologic feature itself and the related minimum vegetation protection zone, shall be accompanied by a hydrological evaluation to the satisfaction of the Town, unless the development is for the construction of a new building or structure for agricultural uses, agriculture-related uses or on-farm diversified uses located a minimum of 30 metres from the key natural heritage feature.

4.43.6 Landform Conservation Areas

- 4.43.6.1 *Development* or *site alteration* on a *lot* located within a landform conservation area designation in the Town of Caledon Official Plan, shall demonstrate that satisfactory arrangements have been made to identify planning, design and construction practices that will keep disturbance to landform character to a minimum.
- 4.43.6.2 Prior to *development* or *site alteration* on a *lot* in a landform conservation area (Category 1) it shall be demonstrated that planning, design and construction practices will keep disturbance to landform character to a minimum, including,
 1. Maintaining significant landform features such as steep slopes, kames, kettles, ravines and ridges in their natural undisturbed form.
 2. Limiting the portion of the net developable area of the site that is disturbed to not more than 25 per cent of the total area of the site.
 3. Limiting the portion of the net developable area of the site that has impervious surfaces to not more than 15 per cent of the total area of the site.
- 4.43.6.3 Prior to *development* or *site alteration* on a *lot* in landform conservation area (Category 2) it shall be demonstrated that planning, design and construction practices that will keep disturbance to landform character to a minimum, including,

1. Maintaining significant landform features such as steep slopes, kames, kettles, ravines and ridges in their natural undisturbed form.
2. Limiting the portion of the net developable area of the site that is disturbed to not more than 50 per cent of the total area of the site.
3. Limiting the portion of the net developable area of the site that has impervious surfaces to not more than 20 per cent of the total area of the site.

4.43.6.4 Prior to *development* or *site alteration* that does not constitute *major development*, with respect to land in a landform conservation area of either category, a satisfactory site plan drawing shall be received that,

1. Identifies the areas within which all building, grading, and related construction will occur.
2. Demonstrates that buildings and structures will be located within the areas referred to 4.43.6.4.1 so as to minimize the amount of site alteration required.
3. Provides for the protection of areas of natural and scientific interest (earth science) in accordance with subsection (12) of the *Oak Ridges Moraine Conservation Plan*.

4.43.6.5 Prior to *development* or *site alteration* on a *lot* in an area of natural and scientific interest (earth science) as designated in the Town of Caledon Official Plan or the related minimum area of influence a satisfactory earth science heritage evaluation shall be submitted that,

1. Identifies planning, design and construction practices that will ensure protection of the geological or geomorphological attributes for which the area of natural and scientific interest was identified.
2. Determines whether a minimum vegetation protection zone is required, and if so, specifies the dimensions of that zone and provides for the maintenance and, where possible, improvement or restoration of natural self-sustaining vegetation within it.

4.43.7 Stormwater Management

Prior to *development* or *site alteration* it shall be demonstrated that planning, design and construction practices that protect water resources will be used, including:

1. Keeping the removal of vegetation, grading and soil compaction to a minimum.
2. Keeping all sediment that is eroded during construction within the site.
3. Seeding or sodding exposed soils as soon as possible after construction.
4. Keeping chemical applications to suppress dust and control pests and vegetation to a minimum.

4.43.8 Major Development

Major Development shall not be permitted unless it can be demonstrated that the following satisfactory documentation has been provided to the satisfaction of the Town, where required by the Town:

1. Conformity with the relevant watershed plan;
2. Water budget and water conservation plan;
3. Landform conservation plan;
4. Sewage and water system plan;
5. Stormwater management plan.

4.43.9 Supporting Connectivity

Every application for *development* or *site alteration* shall identify planning, design and construction practices that ensure that no *buildings* or other *site alterations* impede hydrological functions or the movement of plants and animals among key natural heritage features, key hydrologic features, and adjacent land within Natural Core area and Natural Linkage Area designations of the Town's Official Plan.

Enacted by the Town of Caledon Council this XXth day of XX, 2023.

Annette Groves, Mayor

Laura Hall, Clerk

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